

(b) ADDITIONAL PENALTIES RELATING TO FLUNITRAZEPAM.—

(1) GENERAL PENALTIES.—Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended—

(A) in subsection (b)(1)(C), by inserting “, or 1 gram of flunitrazepam,” after “I or II”; and

(B) in subsection (b)(1)(D), by inserting “or 30 milligrams of flunitrazepam,” after “schedule III.”.

(2) IMPORT AND EXPORT PENALTIES.—

(A) Section 1009(a) of the Controlled Substances Import and Export Act (21 U.S.C. 959(a)) is amended by inserting “or flunitrazepam” after “I or II”.

(B) Section 1010(b)(3) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended by inserting “or flunitrazepam,” after “I or II.”.

(C) Section 1010(b)(4) of the Controlled Substances Import and Export Act is amended by inserting “(except a violation involving flunitrazepam)” after “III, IV, or V.”.

(3) SENTENCING GUIDELINES.—

(A) AMENDMENT OF SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend as appropriate the sentencing guidelines for offenses involving flunitrazepam.

(B) SUMMARY.—The United States Sentencing Commission shall submit to the Congress—

(i) a summary of its review under subparagraph (A); and

(ii) an explanation for any amendment to the sentencing guidelines made under subparagraph (A).

(C) SERIOUS NATURE OF OFFENSES.—In carrying out this paragraph, the United States Sentencing Commission shall ensure that the sentencing guidelines for offenses involving flunitrazepam reflect the serious nature of such offenses.

(c) INCREASED PENALTIES FOR UNLAWFUL SIMPLE POSSESSION OF FLUNITRAZEPAM.—Section 404(a) of the Controlled Substances Act (21 U.S.C. 844(a)) is amended by inserting after “exceeds 1 gram.” the following: “Notwithstanding any penalty provided in this subsection, any person convicted under this subsection for the possession of flunitrazepam shall be imprisoned for not more than 3 years, shall be fined as otherwise provided in this section, or both”.

### SEC. 3. STUDY ON RESCHEDULING FLUNITRAZEPAM.

(a) STUDY.—The Administrator of the Drug Enforcement Administration shall, in consultation with other Federal and State agencies, as appropriate, conduct a study on the appropriateness and desirability of rescheduling flunitrazepam as a Schedule I controlled substance under the Controlled Substances Act (21 U.S.C. 801 et seq.).

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the Committees on the Judiciary of the House of Representatives and the Senate the results of the study conducted under subsection (a), together with any recommendations regarding rescheduling of flunitrazepam as a Schedule I controlled substance under the Controlled Substances Act (21 U.S.C. 801 et seq.).

### SEC. 4. EDUCATIONAL PROGRAM FOR POLICE DEPARTMENTS.

The Attorney General may—

(1) create educational materials regarding the use of controlled substances (as that term is defined in section 102 of the Controlled Substances Act) in the furtherance of rapes and sexual assaults; and

(2) disseminate those materials to police departments throughout the United States.

## THE FEDERAL COURTS IMPROVEMENT ACT OF 1996

### HATCH AMENDMENT NO. 5430

Mr. LOTT. (for Mr. HATCH) proposed an amendment to the bill (S. 1887) to make improvements in the operation and administration of the Federal courts, and for other purposes; as follows:

On page 4, line 15, strike through line 25.

On page 5, line 8, strike through line 14 on page 6 and insert the following:

### SEC. 202. CONSENT TO TRAIL IN CERTAIN CRIMINAL ACTIONS.

(a) AMENDMENTS TO TITLE 18.—(1) Section 3401(b) of title 18, United States Code, is amended—

(A) in the first sentence by inserting “, other than a petty offense that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction,” after “misdemeanor”; and

(B) in the second sentence by inserting “judge” after “magistrate” each place it appears;

(C) by striking out the third sentence and inserting in lieu thereof the following: “The magistrate judge may not proceed to try the case unless the defendant, after such explanation, expressly consents to be tried before the magistrate judge and expressly and specifically waives trial, judgment, and sentencing by a district judge. Any such consent and waiver shall be made in writing or orally on the record.”; and

(D) by striking out “judge of the district court” each place it appears and inserting in lieu thereof “district judge”.

(2) Section 3401(g) of title 18, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following: “the magistrate judge may, in a petty offense case involving a juvenile, that is a class C misdemeanor, or an infraction, exercise all powers granted to the district court under chapter 403 of this title. The magistrate judge may, in any other class B or C misdemeanor case involving a juvenile in which consent to trail before a magistrate judge has been filed under subsection (b), exercise all powers granted to the district court under chapter 403 of this title.”.

(b) AMENDMENTS TO TITLE 28.—Section 636(a) of title 28, United States Code, is amended—

(1) by striking out “, lieu thereof a semi-colon; and

(2) by striking out paragraph (4) and inserting the following:

“(4) the power to enter a sentence for a petty offense that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction; and

“(5) the power to enter a sentence for a class A misdemeanor, or a class B or C misdemeanor not covered by paragraph (4), in a case in which the parties have consented.”.

On page 6, line 15, strike through the matter following line 2 on page 7.

On page 9, line 6, strike through line 2 on page 11.

On page 13, line 4, strike through line 7 on page 15.

On page 17, line 1, strike through line 3 on page 19.

On page 19, line 22, strike through line 9 on page 23.

On page 31, line 8, strike through line 2 on page 32.

On page 35, line 21, strike through line 2 on page 36.

On page 44, line 20, strike through line 21 on page 48.

On page 48, add after line 21 the following:

### SEC. 611. PLACE OF HOLDING COURT IN THE SOUTHERN DISTRICT OF NEW YORK.

The last sentence of section 112(b) of title 28, United States Code, is amended to read as follows:

“Court for the Southern District shall be held at New York, White Plains, and in the Middletown-Wallkill area of Orange County or such nearby location as may be deemed appropriate.”.

### SEC. 612. VENUE FOR TERRITORIAL COURTS.

(a) CHANGE OF VENUE.—Section 1404(d) of title 28, United States Code, is amended to read as follows:

“(d) As used in this section, the term ‘district court’ includes the District Court of Guam, the District Court for the Northern Mariana Islands, and the District Court of the Virgin Islands, and the term ‘district’ includes the territorial jurisdiction of each such court.”.

(b) CURE OF WAIVER OF DEFECTS.—Section 1406(c) of title 28, United States Code, is amended to read as follows:

“(c) As used in this section, the term ‘district court’ includes the District Court of Guam, the District Court for the Northern Mariana Islands, and the District Court of the Virgin Islands, and the term ‘district’ includes the territorial jurisdiction of each such court.”.

(c) APPLICABILITY.—The amendments made by this section apply to cases pending on the date of the enactment of this Act and to cases commenced on or after such date.

Amend the table of contents accordingly.

## LEGISLATION TO ENHANCE FAIRNESS OF PATENTS

### HATCH AMENDMENT NO. 5431

Mr. LOTT (for Mr. HATCH) proposed an amendment to the bill (H.R. 632) to enhance fairness in compensating owners of patents used by the United States; as follows:

On page 2, line 8, strike all after the period through “Act.” on line 13 and insert “Notwithstanding the preceding sentences, unless the action has been pending for more than 10 years from the time of filing to the time that the owner applies for such costs and fees, reasonable and entire compensation shall not include such costs and fees if the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust.”.

On page 2, line 17, strike “January 1, 1995” and insert “the date of the enactment of this Act”.

## HATCH (AND KENNEDY) AMENDMENT NO. 5432

Mr. LOTT (for Mr. HATCH for himself and Mr. KENNEDY) proposed an amendment to the bill (S. 2197) to extend the authorized period of stay within the United States for certain nurses; as follows:

Add at the end of the bill the following:

### SEC. 2. TECHNICAL CORRECTION.

Effective on September 30, 1996, subtitle A of title III of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended—

(1) in section 306(c)(1), by striking “to all final” and all that follows through “Act and” and inserting “as provided under section 309, except that”; and

(2) in section 309(c)(1), by striking “as of” and inserting “before”; and